

VZCZCXYZ0006
RR RUEHWEB

DE RUEHYE #0242/01 0611345
ZNY CCCCC ZZH
R 021345Z MAR 07
FM AMEMBASSY YEREVAN
TO RUEHC/SECSTATE WASHDC 4994
INFO RUCNCIS/CIS COLLECTIVE
RUCNMCM/MCC COLLECTIVE

C O N F I D E N T I A L YEREVAN 000242

SIPDIS

SIPDIS

DEPARTMENT FOR EUR/CARC, EUR/PPD

E.O. 12958: DECL: 03/02/2017

TAGS: PGOV OPRC AM KPAO

SUBJECT: OPPOSITION CALLS COURT RULING ANOTHER ATTEMPT TO DENY IT AIR TIME

REF: A. YEREVAN 0481

1B. YEREVAN 1075

Classified By: CDA A. F. Godfrey for reasons 1.4 (b, d).

SUMMARY

11. (SBU) In response to an application submitted by President Robert Kocharian, the Armenian Constitutional Court has ruled as unconstitutional a law requiring Public TV and Radio to broadcast parts of National Assembly sessions. The opposition claims that, after recent announcements of what they call exceedingly high prices for campaign advertisements (septel), the decision was another political move aimed at denying them access to television air time. Public TV told us that it will continue to air National Assembly broadcasts until a "mutually acceptable agreement" is reached with the National Assembly. END SUMMARY.

COURT STEPS IN AFTER PARLIAMENT FAILS TO DELIVER

12. (U) The Public TV and Radio Board has been pushing for a change to the law requiring Public TV and Radio to air National Assembly sessions during prime time since last year, saying that the law is not in line with European press freedom standards. While in March, 2006, the National Assembly rejected calls by Public TV and Radio Chairman Aleksan Harutiunian to amend the law (ref A), on February 16 the Constitutional Court ruled that Armenian Public TV is no longer required to air National Assembly sessions during which MPs ask government ministers questions and have the opportunity to make three to five minute statements. Public TV is also no longer required to air the Parliament Hour television program, and Public Radio is no longer required to broadcast National Assembly sessions live. This decision was also striking for the abruptness with which it dropped onto the political scene.

13. (SBU) The MP statements and questions to government ministers are aired (by law) at 9:30 PM on Wednesdays following Public TV's number one rated evening news program. Parliament Hour was aired at 9:00 PM on Sundays when there is no evening news program. The short statements and question and answer sessions often included sharp criticism of the government and the President, frequently using quite &colorful8 language. While the audience for these programs seems comparable to the audience of C-Span, AGB Nielson ratings from a year ago actually show that, on average, Parliament Week had the

highest ratings compared with programs aired by other stations at the same day and at the same time.

¶14. (U) The court heard arguments from the President's representative as the applicant, and the head of the Department of Legislative Analysis of the National Assembly as the respondent. It concluded that the National Assembly did not have the constitutional authority to order Public Television and Radio to broadcast specific activities of the National Assembly at a specific airtime. It also concluded that requiring Public TV and Radio to air these programs infringed upon its constitutional independence. The Court cited Article 27, which states, "Freedom of mass media and other means of mass information shall be guaranteed," and, "The state shall guarantee the existence and activities of an independent and public radio and television service offering a variety of informational, cultural and entertainment programs." These articles were added to the constitution in the November 2005 referendum.

OPPOSITION CLAIMS DECISION IS POLITICAL MOVE

¶15. (C) Opposition figures claim that the decision will deprive them of their only opportunity to broadcast their views on television, as Armenian television channels are strongly influenced by the government and rarely provide air time to opposition leaders. In addition, they cite campaign television ad prices, which are higher than rates for normal commercial ads, as another attempt to keep them off of television screens in advance of the elections (ref A). RFE/RL cites Stepan Demirchian, the leader of the opposition People's Party, as saying, "This ruling, as well as the surge in the cost of campaign ads, is clearly aimed at further limiting the opposition's campaigning possibilities in the run-up to the parliamentary and presidential elections....It shows that the authorities are scared of full-scale opposition campaigning." (Note: While Demirchian's complaint about the decision not to require the broadcast of Parliament Hour may have merit, the price of political ads has not "surged;" in fact, according to Western experts, the price has not kept pace with the market. End Note.)

PUBLIC TV WILL CONTINUE BROADCASTING SESSIONS...BUT WITH EDITS

¶16. (C) Public TV and Radio Commission Chairman Aleksan Harutiunian announced on February 26 that Public TV and Public Radio would continue airing National Assembly broadcasts until the end of the current National Assembly's mandate, and perhaps after that, depending on the opinion of the newly elected leaders. Harutiunian said that while the broadcasts would continue, Parliament Hour would now be aired at 20:00 instead of 21:00, and the question and answer sessions would be edited. Harutiunian claimed that important portions of the sessions would not be omitted--only "bad language" would be cut. However, Aravot opposition newspaper reported on March 2 that, during its broadcast of the February 27 National Assembly session, Public TV omitted six of the ten statements made by opposition figures. The author of the article told us that Public TV cut statements that were particularly critical of the authorities, including opposition party Orinats Yerkir MP Hovhannes Markaryan's complaint about actions the government has taken against his party.

SPEAKER SAYS PARLIAMENT SHOULD HAVE SOLVED ISSUE

¶17. (U) Speaking with journalists after the court ruling, National Assembly Speaker Tigran Torosian implied that he would have preferred had the Constitutional Court given the National Assembly time to find an acceptable solution. Torosian is quoted as saying, "This (the ruling)

is the result of the (November 2005) constitutional amendments, and we should have solved this issue the way almost thirty other laws (conflicting with the new amendments) were solved. In other words, a deadline to come to a solution should have been set, a solution should have been found, and amendments to the bylaw should have been changed. But we have what we have." Torosian also said that the public needs to be aware of the work of the parliament, as is the case in all Council of Europe countries. He remarked that coverage should be broadcast nationwide and thus it would be positive if Public TV covered the National Assembly's work, but said that this should be negotiated and a television station "cannot be forced to negotiate."

COMMENT

¶8. (C) Substantively, we find it difficult to argue that the GOAM lacks the right and authority to regulate its public broadcasters and the content they provide as the government sees fit. In the local political context, however, this is a disappointing move on several counts. There is little doubt that the President's action was politically motivated, with the objective being to limit air time for opposition MPs running for office. The decision is also unfortunate due to its intention to shut down practically the only nationally-televised forum for direct criticism of the President, his ministers, and the government in general by opposition politicians. The program's high ratings indicate that there is a real audience for this programming. Also, after a short string of Constitutional Court decisions that tended to demonstrate more judicial independence, this decision seems to be an instance when the court offered its full obedience to the president--quickly delivering the outcome he sought after the executive's rare defeat on this issue in the National Assembly.

GODFREY